

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Mauro Flores,

Plaintiff,

v.

Kevin Moser et al.,

Defendant.

Case No. 16-cv-1860 ADM/FLN

ORDER

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated March 7, 2017, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that the Defendants' motion to dismiss (ECF No. 8) is **DENIED as moot.**

DATED: March 29, 2017

s/Ann D. Montgomery  
Ann D. Montgomery  
United States District Court Judge